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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,436	08/22/2005	Sheng Mei Shen	P27680	5271
52123 7590 05/02/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191				
EXAMINER KIM, HEE SOO				
ART UNIT 2157		PAPER NUMBER		
NOTIFICATION DATE 05/02/2008		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/530,436

Applicant(s)

SHEN ET AL.

Examiner

HEE SOO KIM

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is responsive to amendment filed on January 9th, 2008.

The objection to the drawings is withdrawn in view of corrections made.

Claims 1~19 have been amended.

Response to Arguments

Applicant's arguments filed 1/09/08 have been fully considered but they are not persuasive.

In response to applicant's argument on (Pg. 17, 1st par.), applicant has stated the sole purpose of utilizing the URLs is the fact that it defines the location at which capability information of a client is stored. In response, Examiner respectfully asks Applicant what is the difference between using a URL to define the location of the media as taught by Egli to that of locating capability information? The concept between them are obviously the same since the URL is used to retrieve some type of data from a remote location.

In response to applicant's argument on (Pg. 17, 2nd par.), Egli taught the data store 324 is part of the media delivery system where the capability information of client devices are provided to the system. Although the data store isn't at a remote location, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to merely separate the data store and place it either at a remote location or within the same network, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin v. Erlichman*, 168 USPQ 177, 179.

In response to applicant's argument on (Pg. 18, 2nd par.), Applicant has argued the capabilities are obtained externally of the system from the client themselves. In response, Vetro taught the DID parser has already parsed the DID and routed the descriptions to the engines (310 and 320). These engines are that process the capability information reside externally only in a distributed environment (§36). Furthermore, XDI modifiers that each device depends on for generating capability information operate in a similar manner as the engines do (§49). Whether Vetro's approach to determining client capability may be rather complicating is merely the Applicant's point of view and does not in any way forbid one with ordinary skill in the art to combine the teachings of Egli and Vetro.

In response to applicant's argument on (Pg. 19, 2nd par.), Egli taught the URL strings are used internally within the system (§77). In response, Examiner points out while the URL is used within the confinement of the system, the system is at a remote location to that of the client (see Fig.3). This further suggests the system itself is a network and utilizing URLs within the system would have been an obvious design choice.

In response to applicant's argument on (Pg. 19, 3rd par.), moving the CCM from the server to the client devices in order to provide flexibility and a more accurate client capability information for accurate content adaptation would have been obvious to one of ordinary skill in the art at the time the invention was made, since it has been held that rearranging parts of an invention involves only routine skill in the art. *In re Japikse*, 86 USPQ 70.

For reasons stated above, the rejection is maintained.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1~19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Egli et al. hereinafter Egli (US 2003/0110234) in view of Vetro (US 2003/0156108).

Regarding Claim 1,

Egli teaches a data distribution system comprising a first terminal having data and a second terminal, wherein the system distributes data adapting to the second terminal from the first terminal to the second terminal, wherein the first terminal comprises:

- a. a data recorder that records data of a plurality of formats (Pg. 6, Par. [0068]).

Examiner takes note that Egli teaches original items of media content, which may be

any type of content including digital images, video, etc., are stored locally on the system (see Fig. 3).

b. a data distribution requester that receives a distribution request for data in a format configured for the second terminal and that receives a URL, the URL comprising an address at which capability information of the second terminal is recorded, the URL being transmitted from the second terminal (Pg. 9, Par. [0092], Fig. 4);

c. a terminal information acquirer that accesses the location defined by the URL and acquires the capability information of the second terminal from the address identified by the URL (Pg. 9, Par. [0092], Fig. 4);

d. a data selector that selects data in a format configured for the second terminal on the basis of the acquired capability information of the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4); and

e. a data transmitter that transmits the selected data to the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4).

Egli's invention teaches the media content system determines the client capabilities once a HTTP request for an item of content is made by the client devices (Pg. 8, Par. [0085]). The request is routed to the client capabilities module (CCM) and obtains available information about the device's capabilities (Pg. 6, Par. [0068]-[0069]). Afterwards, the CCM attaches this information (XML file is generated) to the request and forwards it to the destination where the content is located (either locally in the media content system or at remote location as suggested by Egli) (Pg. 8, Par. [0086]-Pg. 9, Par. [0089]).

Although determination of client capabilities is identified by the media content system as opposed to applicant's claimed invention of the second terminal having a terminal information describing means that describes the information of the second terminal in tree structure; Vetro teaches a similar system as to Egli's and explicitly states "each of these devices (clients) are capable of generating a description of themselves" (Vetro: Pg. 3, Par. [0049], Fig. 5). Whether the server determines the client's capabilities or the clients themselves using XML standards (to take advantage of the language's hierarchical features) suggests the methods applied were well-known to one of ordinary skill in the art. Therefore, it would have been obvious to one of ordinary skill in the art to move the CCM from the server to the client devices to provide flexibility and accurate client capability information for accurate content adaptation.

Regarding Claim 2,

Egli teaches a first terminal in a data distribution system that distributes data configured for a second terminal from the first terminal having the data to the second terminal, comprising:

a data recorder that records data of a plurality of formats (Pg. 6, Par. [0068]). Examiner takes note that Egli teaches original items of media content, which may be any type of content including digital images, video, etc., are stored locally on the system (see Fig. 3).

a data distribution request receiver that receives a distribution request for data in a format configured for the second terminal and that receives a URL, the URL comprising an address at which capability information of the second terminal is

recorded, the URL being transmitted from the second terminal (Pg. 9, Par. [0092], Fig. 4);

a terminal information acquirer that accesses the location defined by the URL and acquires the capability information of the second terminal from the address defined by the URL (Pg. 9, Par. [0092], Fig. 4);

a data selector that selects data adapting in a format configured for the second terminal on the basis of the acquired capability information of the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4); and

a data transmitter that transmits the selected data to the second terminal (Pg. 9, Par. [0092]-[0093], Fig. 4).

Regarding Claim 3.

Egli's invention teaches the media content system determines the client capabilities once a HTTP request for an item of content is made by the client devices (Pg. 8, Par. [0085]). The request is routed to the client capabilities module (CCM) and obtains available information about the device's capabilities (Pg. 6, Par. [0068]-[0069]). Afterwards, the CCM attaches this information (XML file is generated) to the request and forwards it to the destination where the content is located (either locally in the media content system or at remote location as suggested by Egli) (Pg. 8, Par. [0086]-Pg. 9, Par. [0089]).

Although determination of client capabilities is identified by the media content system as opposed to applicant's claimed invention of the second terminal having a terminal information describing means that describes the information of the second terminal in tree structure; Vetro teaches a similar system as to Egli's and explicitly

states "each of these devices (clients) are capable of generating a description of themselves" (Vetro: Pg. 3, Par. [0049], Fig. 5). Whether the server determines the client's capabilities or the clients themselves using XML standards (to take advantage of the language's hierarchical features) suggests the methods applied were well-known to one of ordinary skill in the art. Therefore, It would have been obvious to one of ordinary skill in the art to move the CCM from the server to the client devices to provide flexibility and a more accurate client capability information for accurate content adaption.

Regarding Claim 4,

Egli teaches a terminal that, in a data distribution system that distributes data configured for a second terminal, from a first terminal having data to the second terminal, the terminal comprising a location defined by a URL which can be accessed by the first and second terminals and records capability information of the second terminal, the terminal comprising:

a terminal information receiver that receives a tree structure description of the capability information of the second terminal from the second terminal (Pg. 6, Par. [0068]);

a terminal information recorder that records information of the second terminal (Pg. 6, Par. [0069]); and

a terminal information transmitter that transmits the information of the second terminal to the first terminal in response to a distribution request for the capability information of the second terminal, the distribution request being received from the first terminal (Pg. 7, Par. [0070]–[0071]).

Regarding Claim 5,

The claim is rejected because it is directed towards a method claim based on the distribution system of claim 1.

Regarding Claim 6,

Egli teaches the information of the second terminal described in tree structure, information related to characteristics of the second terminal, information related to an AV coding capability of the second terminal, and items of information related to a multimedia input/output of the second terminal are branched and described as branch information (Pg. 10, Par. [0102]).

Regarding Claim 7,

Vetro further teaches selecting some branch information in tree structure of the capability information of the second terminal (Pg. 10, Par. [0100]~ [0101]); and

notifying the first terminal of a URL related to the selected branch information to request the first terminal to distribute data to the second terminal (Pg. 10, Par. [0100]~[0101]).

Regarding Claim 8,

Egli and Vetro fails to specifically disclose the innards of a client device. Although Egli teaches the client devices include personal computers, laptops, PDAs, and etc. (Pg. 5, Par. [0056]), "Official Notice" is taken that both the concept and obviousness to use hardware such as a CPU, OS, memory (RAM), GPU, Tuner cards, Sound cards, Monitors (LCD) and storage medium (CD-ROM, burners, HDs) are all generally well-known and expected in the art. Furthermore, the hardware makes up the core functionality of a terminal device with software required to allow multiple multimedia contents such as images, sounds, and video to be viewed, converted, or acquired.

Examiner finally points out that both Egli and Vetro teaches their inventions include the capabilities for a particular media content in a particular format from any client devices to be converted into the requested format and delivered to the devices (Egli: Pg. 7, Par. [0071]; Vetro: Pg. 3, Par. [0046]).

Regarding Claim 9-16,

The claims are rejected based on similar features presented and argued from claim 8.

Regarding Claim 17,

The claim is rejected based on the distribution system of claim 1.

Regarding Claim 18,

Egli teaches as the information of the second terminal described in tree structure, information related to characteristics of the second terminal, information related to an AV coding capability of the second terminal, and items of information related to a multimedia input/output of the second terminal are branched and described as branch information (Pg. 10, Par. [0102]).

Regarding Claim 19,

Egli teaches selecting data configured for the second terminal on the basis of the acquired information in the first terminal comprises:

parsing the capability information of the second terminal described in tree structure and obtained from the URL;

selecting data configured for the second terminal on the basis of branch information described in tree structure and obtained by the parsing (Pg. 10, Par. [0100]~[0101]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hee Soo Kim whose telephone number is (571) 270-3229. The examiner can normally be reached on Monday - Thursday 8:00AM - 5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

Art Unit: 2157

more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/H. K./
4/25/08

/Ario Etienne/

Supervisory Patent Examiner, Art Unit 2157